

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL

**Case No. CV 24-00767-MWF (AGRx)**

**Date: August 27, 2024**

**Title:** Chic Dental Studio Inc. v. US Small Business Association, et al.

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**Present:** The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:  
Rita Sanchez

Court Reporter:  
Not Reported

Attorneys Present for Plaintiffs:  
None Present

Attorneys Present for Defendants:  
None Present

**Proceedings (In Chambers): ORDER DISMISSING ACTION FOR LACK OF PROSECUTION**

On February 2, 2024, the Court issued an Order (the “Order”) directing Plaintiff Chic Dental Studio Inc. (“Plaintiff”) to retain counsel and to file a notice with the Court by March 18, 2024, indicating that counsel had been retained. (Docket No. 7). On March 18, 2024, Plaintiff filed a request for a 14-day extension of this deadline. (Docket No. 8). The Court granted the extension request on March 21, 2024. (Docket No. 10). On April 5, 2024, Plaintiffs filed another request for a 14-day extension. (Docket No. 11). The Court granted the second extension request on April 9, 2024 and ordered that if counsel was not appointed and the notice not entered by April 26, 2024, the matter would be dismissed with prejudice. (Docket No. 13). As of August 27, 2024, Plaintiff has not filed this notice as instructed.

It is well-established that a district court has authority to dismiss a plaintiff’s action due to his failure to prosecute and/or to comply with court orders. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962) (“[A] District Court may dismiss a complaint for failure to prosecute[.]”).

Before ordering dismissal, the Court must consider five factors: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to Defendant; (4) the public policy favoring the disposition of cases on their merits; and (5) the availability of less drastic sanctions. *See In re Eisen*, 31 F.3d 1447, 1451 (9th Cir. 1994) (failure to prosecute). Taking all of these factors into account, dismissal for lack of prosecution is warranted. Plaintiff

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was specifically warned that a corporate entity could not proceed *pro se* and that, therefore, Plaintiff needed to appoint counsel. Plaintiff was given two extensions and was notified repeatedly that failure to comply would result in dismissal with prejudice.

Accordingly, this action is **DISMISSED *with prejudice***.

IT IS SO ORDERED.

The Court notes that Plaintiff does not have a lawyer. Parties in court without a lawyer are called “*pro se* litigants.” These parties often face special challenges in federal court. Public Counsel runs a free Federal *Pro Se* Clinic where *pro se* litigants can get information and guidance. The Clinic is located at the Roybal Federal Building and Courthouse, 255 East Temple Street, Los Angeles, CA 90012 (note that the clinic may not be open for in-person appointments during the pandemic). *Pro se* litigants must call or submit an on-line application to request services as follows: on-line applications can be submitted at <http://prose.cacd.uscourts.gov/los-angeles>, or call (213) 385-2977, ext. 270.